



July 18, 2022

**VIA ECF**

Magistrate Sarah L. Cave  
 United States District Court  
 Southern District of New York  
 Daniel Patrick Moynihan Courthouse  
 500 Pearl Street, Room 1670  
 New York, NY 10007

The Parties' letter-motion seeking an extension of time to file a proposed ESI Order (ECF No. 400) is GRANTED.

The Clerk of Court is respectfully directed to close ECF No. 400.

07/18/2022 SO ORDERED

  
 SARAH L. CAVE  
 United States Magistrate Judge

**Re: *JLM Couture, Inc. v. Hayley Paige Gutman* (1:20-cv-10575-LTS-SLC)**

Hon. Judge Cave:

We represent Plaintiff JLM Couture, Inc. ("JLM") and Third-Party Defendant Joseph Murphy ("Murphy") (collectively, the "JLM Parties") in the above-referenced action. We write jointly with counsel for Defendants pursuant to Rule I(E) of Your Honor's Individual Rules of Practice to respectfully request that the Court adjourn the deadline for the Parties to file a proposed ESI Order.

Pursuant to the May 12, 2022 and June 22, 2022 Orders Granting the Parties' Letter Motions for Extension of Time to File [Dkt. No. 346, 367], the current deadline to file the proposed ESI Order is today July 18, 2022. The Parties jointly respectfully request that the Court briefly adjourn the deadline to submit the proposed order pending further discussion of this matter at the Telephone Conference set for July 20, 2022 at 11:00 a.m. [Dkt. No. 343].

All parties consent to the brief adjournment. There have been two prior requests to extend the deadline to file the proposed ESI Order. The instant request does not affect any other dates in this action.

Pursuant to Paragraph 10(b) of the April 19, 2022 Case Management Plan and Order [Dkt. No. 342], the Parties were initially expected to have an ESI discovery protocol in place by May 13, 2022. The Court granted the Parties' first request for the relief sought and extended the initial deadline to file a proposed ESI Order to June 21, 2022, and subsequently granted the Parties' second request for the relief sought and extended the deadline again to July 18, 2022.

The Parties have come to an initial agreement on production formats (subject to change) and preservation issues that were of concern as set forth in the Stipulation and Order for the Preservation of Certain ESI, which was entered by the Court on September 13, 2021. [Dkt. No. 238]. The Parties are also in the process of meeting and conferring regarding the responses to one another's demands and responses. As part of that process the Parties have discussed the remaining issues in the model

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ESI Order (i.e. search and review protocols, privilege logging, limits on production, custodians, cost shifting and other issues, due to the breadth of the discovery in this case) and are unsure whether all of them will require pre-agreement, and would like to discuss with the Court whether the remainder of the ESI Order is necessary at this time, or whether the remaining issues would be best addressed through the discovery dispute process if the Parties are unable to resolve those disputes between them.

The Parties have also been engaged in substantial briefings on their respective motions to modify the current PI Order that Judge Swain ordered be fully briefed by June 30, 2022, as well as Gutman's appeal of the September 8, 2022 Contempt Order.

As such, the Parties are respectfully requesting that the deadline to file the proposed ESI Order be adjourned pending further discussion of this matter at the Telephone Conference currently set for July 20, 2022 at 11:00 a.m. to discuss whether further submission is necessary.

We appreciate the Court's time, and should Your Honor need any further information, we are available at the Court's convenience.

Respectfully submitted,

ADELMAN MATZ P.C.



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Joseph L. Murphy*

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Joe Lawlor, Esq.

*Attorneys for Defendants*

Cc. Counsel of Record (via ECF)




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